

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AKHI RAHEEM MUHAMMAD

v.

GREGORY T. WEIS, et al.

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CIVIL ACTION

NO. 08-3616

ORDER

AND NOW, this 17th day of August, 2009, upon consideration of Plaintiff's Second Amended Complaint (Docket No. 67), **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's ADA claims (Count I) and RA claims (Count II) against Defendants Court of Common Pleas of Allegheny County, Pennsylvania Commonwealth Court, Pennsylvania Superior Court, and Pennsylvania Supreme Court are **TRANSFERRED** to the United States District Court for the Western District of Pennsylvania, pursuant to 28 U.S.C. § 1406(a).
2. The following claims are **DISMISSED** as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), without leave to amend:
 - a. Plaintiff's ADA claims (Count I) against the following Defendants: Alice Hinkle; Allen D. Biehler; Amy Kroll; Andrew M. Rapach; Angeline Sposito; Arthur Ettinger; Arthur F. McNulty; Barabara Caprino; Barbara Lelenko; Barry F. Feudale; Bernard J. McAuley; Bernard L. McGinley; Beverly J. Points; Bonnie Brigance Leadbetter; Brian W. DelVecchio; Cathy Gerhold; Cathy O'Brien; Charlene Christmas; Cheryl Lynn Allen-Skipworth; Christiana Judith Hunley; Christine A. Ward; Christine L. Donohue; Corneale F. Stevens; Cynthia A. Baldwin; Daniel Onorato; Daniel R. Schuckers; Dante R. Pellgrini; David A. Hoffman; David B. White; David Brandon; David J. Hickton; David N. Wecht;

Dawn Cross; Dean Girty; Debra Todd; Donna Jo McDaniel; Doris A. Smith-Ribner; Dorry Lang; Edward G. Rendell; Edward L. Edelstein; Edwin B. Rust; Eileen M. Conroy; Eleanor Valecko; Elizabeth Ann Beroes; Elizabeth Collura; Eric Feder; Eugene M. Strassburger, III; Frank M. Gianola; George F. Matta, II; Geraldine Moten; Gregory Weis; Guy J. Mattola; Harold Cramer; Helen M. Barnett; India Smith; J. Michael Eakin; Jack A. Panella; Jacqueline O. Shogan; James A. Johnson; James Burns; James Del Sole; James Ferlo; James Gardener Colins; James J. Dodaro; James J. Fitzgerald, III; James J. Flaherty; James Odenheimer; James R. Kelley; James Rieland; Jane Cutler Greenspan; Janet L. Dolan; Jean Martin; Jeffrey A. Ernico; Jill E. Rangos; Joan Orie Melvin; Joel Ario; Joel Dresbold; John F. Cambest; John Izzo; John L. Musmanno; John M. Cleland; John Pham; John Swick; John T. Bender; John T. J. Kelly, Jr.; John Vaskov; Johnny J. Butler; Joseph F. McCloskey; Joseph A. Hudock; Joseph M. James; Joseph Terrick; Judith L. A. Friedman; Karen Joseph; Kate Barkman; Kate Ford Elliot; Katherine Horigan; Kathleen Cavanaugh; Keith B. Quigley; Kelly B. Bakayza; Kevin G. Sasinoski; Khadija Diggs-Terry; Laurie Steng; Linda M. Rogiero; Livingstone Morris Johnson; Lois E. Gannon; Luke Ravenstahl; M. Hanna Leavitt; Mary E. Butler; Mary Jane Bowes; Mary Mullin; Maureen E. Lally-Green; Max Baer; Melanie Norkevicus; Michael E. Lamb; Michael E. Vith; Michael H. Wojcik; Michael J. Cremonese; Michael Machen; Michael Noch; Michael Rogiero; Michael W. Burns; Myrna Patterson; Olza M. Nicely; Pamela Dalton Arlotti; Patricia Viola; Patrick Carey; Patrick R. Tamilia; Peter R. DeFazio; R. Stanton Wettick, Jr.; Ralph J. Cappy;

Rebecca L. Bickley; Rebecca Planinseck; Renee Cohn Jubelirer; Richard B. Klein; Richard J. Margolis; Richard K. McCartney; Richard P. Jacob; Richard S. Canciello; Robert A. Arcovio; Robert A. Freedberg; Robert C. Gallo; Robert E. Colville; Robert E. Simpson, Jr.; Robert G. Borgoyne; Robert Herbert; Robert J. Colville; Robert J. Ray; Robert P. Ravenstahl; Robert V. Racunas; Rochelle S. Friedman; Ronald D. Castille; Sarah Michini; Scott F. Kennedy; Seamus P. McCaffery; Sean Cannon; Sheryl Zidek; Stephen A. Zappala; Stephen J. McEwen, Jr.; Susan P. Gantman; Ted Kairys; Terrence W. O'Brien; Terry Sands; Thomas Fallon; Thomas G. Saylor; Timothy Peter Wile; Tomilla Talley; Trevor I. Poremba; Tricia Renee Sorg; W. Arch Irvin, Jr.; Walter T. Slezak; Warren E. Buffet; William A. Kuhar, Jr.; William P. Mullen; Zigmont A. Pines; Zoran Popovich; Beroes Law Center, P.C.; Government Employee Insurance Company ("GEICO"); the Law Offices of Burns, White, and Hickton; the Law Offices of Dodaro, Kennedy, and Cambest; the Law Offices of Wayman, Irving, and McAuley, LLC; and State Farm Insurance;

- b. Plaintiff's RA claims (Count II) against the following Defendants: Alice Hinkle; Allen D. Biehler; Amy Kroll; Andrew M. Rapach; Angeline Sposito; Arthur Ettinger; Arthur F. McNulty; Barabara Caprino; Barbara Lelenko; Barry F. Feudale; Bernard J. McAuley; Bernard L. McGinley; Beverly J. Points; Bonnie Brigance Leadbetter; Brian W. DelVecchio; Cathy Gerhold; Cathy O'Brien; Charlene Christmas; Cheryl Lynn Allen-Skipworth; Christiana Judith Hunley; Christine A. Ward; Christine L. Donohue; Corneale F. Stevens; Cynthia A. Baldwin; Daniel Onorato; Daniel R. Schuckers; Dante R. Pellgrini; David A.

Hoffman; David B. White; David Brandon; David J. Hickton; David N. Wecht; Dawn Cross; Dean Girty; Debra Todd; Donna Jo McDaniel; Doris A. Smith-Ribner; Dorry Lang; Edward G. Rendell; Edward L. Edelstein; Edwin B. Rust; Eileen M. Conroy; Eleanor Valecko; Elizabeth Ann Beroes; Elizabeth Collura; Eric Feder; Eugene M. Strassburger, III; Frank M. Gianola; George F. Matta, II; Geraldine Moten; Gregory Weis; Guy J. Mattola; Harold Cramer; Helen M. Barnett; India Smith; J. Michael Eakin; Jack A. Panella; Jacqueline O. Shogan; James A. Johnson; James Burns; James Del Sole; James Ferlo; James Gardener Colins; James J. Dodaro; James J. Fitzgerald, III; James J. Flaherty; James Odenheimer; James R. Kelley; James Rieland; Jane Cutler Greenspan; Janet L. Dolan; Jean Martin; Jeffrey A. Ernico; Jill E. Rangos; Joan Orie Melvin; Joel Ario; Joel Dresbold; John F. Cambest; John Izzo; John L. Musmanno; John M. Cleland; John Pham; John Swick; John T. Bender; John T. J. Kelly, Jr.; John Vaskov; Johnny J. Butler; Joseph F. McCloskey; Joseph A. Hudock; Joseph M. James; Joseph Terrick; Judith L. A. Friedman; Karen Joseph; Kate Barkman; Kate Ford Elliot; Katherine Horigan; Kathleen Cavanaugh; Keith B. Quigley; Kelly B. Bakayza; Kevin G. Sasinoski; Khadija Diggs-Terry; Laurie Steng; Linda M. Rogiero; Livingstone Morris Johnson; Lois E. Gannon; Luke Ravenstahl; M. Hanna Leavitt; Mary E. Butler; Mary Jane Bowes; Mary Mullin; Maureen E. Lally-Green; Max Baer; Melanie Norkevicius; Michael E. Lamb; Michael E. Vith; Michael H. Wojcik; Michael J. Cremonese; Michael Machen; Michael Noch; Michael Rogiero; Michael W. Burns; Myrna Patterson; Olza M. Nicely; Pamela Dalton Arlotti; Patricia Viola; Patrick Carey;

Patrick R. Tamilia; Peter R. DeFazio; R. Stanton Wettick, Jr.; Ralph J. Cappy; Rebecca L. Bickley; Rebecca Planinseck; Renee Cohn Jubelirer; Richard B. Klein; Richard J. Margolis; Richard K. McCartney; Richard P. Jacob; Richard S. Canciello; Robert A. Arcovio; Robert A. Freedberg; Robert C. Gallo; Robert E. Colville; Robert E. Simpson, Jr.; Robert G. Borgoyne; Robert Herbert; Robert J. Colville; Robert J. Ray; Robert P. Ravenstahl; Robert V. Racunas; Rochelle S. Friedman; Ronald D. Castille; Sarah Michini; Scott F. Kennedy; Seamus P. McCaffery; Sean Cannon; Sheryl Zidek; Stephen A. Zappala; Stephen J. McEwen, Jr.; Susan P. Gantman; Ted Kairys; Terrence W. O'Brien; Terry Sands; Thomas Fallon; Thomas G. Saylor; Timothy Peter Wile; Tomilla Talley; Trevor I. Poremba; Tricia Renee Sorg; W. Arch Irvin, Jr.; Walter T. Slezak; Warren E. Buffet; William A. Kuhar, Jr.; William P. Mullen; Zigmont A. Pines; and Zoran Popovich;

- c. Plaintiff's malicious prosecution and unlawful seizure claims (Count III) in their entirety;
- d. Plaintiff's § 1983 conspiracy claim (Count VI) in its entirety; and
- e. Plaintiff's § 1983/First Amendment claim (Count X) against the following Defendants: Commonwealth of Pennsylvania; Administrative Office of Pennsylvania Courts; Pennsylvania Unified Judicial System; Eileen M. Conroy; Jill E. Rangos; David N. Wecht; Peter R. DeFazio; William P. Mullen; and John/Jane Does.

- 3. The following claims are **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and as improperly venued, pursuant to 28 U.S.C. § 1406(a), without

leave to amend:

- a. Plaintiff's ADA claims (Count I) against the following Defendants: Legal Services Corporation; Neighborhood Legal Association of Pittsburgh; Pennsylvania Legal Services Corporation; Pennsylvania Judicial Conduct Board; Pennsylvania Department of Public Welfare; Pennsylvania Department of Transportation; Borough of Millvale, Pennsylvania; Millvale Police Department; City of Pittsburgh; Allegheny County, Pennsylvania; Allegheny County Sheriff's Office; Allegheny County Department of Adult Probation and Parole; Allegheny County Office of the Public Defender; Allegheny County Justice Related Services; Allegheny County Department of Court Records; Allegheny County Law Department; Administrative Office of Pennsylvania Courts; and Commonwealth of Pennsylvania;
- b. Plaintiff's RA claim (Count II) against the following Defendants: Legal Services Corporation; Neighborhood Legal Association of Pittsburgh; Pennsylvania Legal Services Corporation; Pennsylvania Judicial Conduct Board; Pennsylvania Department of Public Welfare; Pennsylvania Department of Transportation; Borough of Millvale, Pennsylvania; Millvale Police Department; City of Pittsburgh; Allegheny County, Pennsylvania; Allegheny County Sheriff's Office; Allegheny County Department of Adult Probation and Parole; Allegheny County Office of the Public Defender; Allegheny County Justice Related Services; Allegheny County Department of Court Records; Allegheny County Law Department; Administrative Office of Pennsylvania Courts; and Commonwealth of Pennsylvania; Beroes Law Center, P.C.; GEICO; Law Offices of Burns,

White, and Hickton; Law Offices of Dodaro, Kennedy, and Cambest; Law Offices of Wayman, Irving, and McAuley, LLC; and State Farm Insurance;

- c. Plaintiff's Monell claims (Count IV) in their entirety;
- d. Plaintiff's § 1983 "supervisory violation" claim (Count V) in its entirety;
- e. Plaintiff's § 1985(2) obstruction of justice claim (Count VII) in its entirety;
- f. Plaintiff's § 1985(3) conspiracy claim (Count VIII) in its entirety;
- g. Plaintiff's "negligent supervision" claim (Count IX) in its entirety; and
- h. Plaintiff's § 1983/First Amendment claim (Count X), against Defendants Zigmont A. Pines, Mary E. Butler, City of Pittsburgh, and Allegheny County.

4. In light of the above, the following motions are **DISMISSED** as moot:

- a. The Motion to Dismiss filed by Defendants Swick, Zidek, Michini, Cross, Patterson, Mullin, Rust, and State Farm Insurance (Docket No. 72);
- b. The Motion to Dismiss filed by Defendants Gannon, L. Rogiero, M. Rogiero, and Gianola (Docket No. 73);
- c. The Motions to Dismiss filed by Defendants Millvale Borough, Vith, Millvale Police Department, Girty, and Burns (Docket Nos. 76 and 82);
- d. The Motion to Dismiss filed by Defendants Weis and Law Offices of Wayman, Irving, and McAuley, LLC (Docket No. 86); and
- e. Plaintiff's "Motion to Stay Briefing Schedule" (Docket No. 84).

5. In light of the above, the Motion to Dismiss filed by Defendants Rendell, Cramer, Points, Wile, Kuhar, Rapach, Biehler, Dolan, Bickley, Ario, J. Johnson, Martin, Moten, Poremba, McNulty, Pennsylvania Department of Public Welfare, Pennsylvania Department of Insurance, Pennsylvania Department of Transportation, and

Commonwealth of Pennsylvania (Docket No. 71) is **DISMISSED** without prejudice.

6. For the reasons set forth in the accompanying Memorandum, the only claims that will proceed in this District are Plaintiff's ADA claim (Count I) and RA claim (Count II) against Defendant Pennsylvania Department of Insurance.
7. Defendant Pennsylvania Department of Insurance shall file an Answer or otherwise respond to the Second Amended Complaint on or before Tuesday, September 8, 2009.

BY THE COURT:

/s/ John R. Padova
John R. Padova, J.